

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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MILTON EMORY EDWARDS and MICHELLE A.
CAMPBELL-EDWARDS,

Case No.:

Plaintiffs

vs.

JENNIFER L. COX and THE DEVEREUX
FOUNDATION,

Defendants.

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NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

DEFENDANT THE DEVEREUX FOUNDATION, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, submits its Notice of Removal of this case from the Supreme Court of the State of New York, County of Putnam to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Defendant states as follows:

1. On May 11, 2022, Plaintiffs Milton Emory Edwards and Michelle A. Campbell-Edwards filed their Complaint with the Supreme Court of the State of New York, County of Putnam, Index No. 500548/2022 (the “State Action”) against Defendants.
2. Plaintiffs allege that on November 29, 2021, they sustained bodily injuries as a result of motor vehicle accident operated by Plaintiff Milton Emory Edwards and Defendant Jennifer L. Cox, which accident occurred on Interstate 84, 1 mile west of I-684 in the “Town of Southeast”.
3. In accordance with 28 U.S.C. § 1446 (a), copies of the Summons, Complaint and all other papers served upon Defendants or filed in the State Action are attached as **Exhibit “A”**.

4. This Notice of Removal is filed in accordance with 28 U.S. C. § 1441(b) and 28 U.S.C. § 1446.

5. On the face of their Complaint, Plaintiffs state they are residents of Hartford, Connecticut. (**Exhibit A**, Complaint at ¶¶ 1 and 17).

6. The Devereux Foundation (“Devereux”) is non-profit entity headquartered in Pennsylvania and located at 444 Devereux Drive, Villanova, PA 19089.

7. Defendant Jennifer L. Cox is a resident of the State of New York.

8. For purposes of removal, Plaintiffs and Defendants are residents of different states.

9. All that is required for removal based on diversity of jurisdiction is a “reasonable probability” that more than \$75,000 is in controversy. *See Youtsey v. Aviband Mfg, Inc.* 734 F. Supp.2d 230, 233 (D. Mass. 2010).

10. In the State Action, Plaintiff alleges and demands damages greater than \$75,000.

11. Removal of this case is proper under 28 U.S.C. § 1441 and 28 U.S.C. § 1332, because complete diversity of citizenship exists between Plaintiff and Defendant, and the amount in controversy exceeds \$75,000, exclusive of costs and interest.

12. This Notice of Removal is timely filed by Defendant The Devereux Foundation within the timeframe allotted by this Court pursuant to 28 U.S.C. § 1446(b).

13. Plaintiffs served Defendant The Devereux Foundation on May 23, 2022. See **Exhibit B**, Plaintiffs’ Affidavit of Service.

14. The undersigned has served notice of the removal of this action on Plaintiffs, by serving their counsel with this Notice of Removal and has filed a copy of this Notice of Removal with the Clerk in the State Action. A copy of the Notice of Filing of the Notice of Removal is attached hereto as **Exhibit C**.

15. As this action asserts a claim between diverse parties for an amount greater than the jurisdictional threshold, the requirements of 28 U.S.C. § 1332, have been satisfied and removal to this Court is proper.

WHEREFORE, Defendant The Devereux Foundation, with the consent of co-defendant Jennifer L. Cox, respectfully requests that this case be entered upon the Docket of the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated: New York, NY
June 17, 2022

PEREZ MORRIS LLC



BY: Mony B.P. Yin, Esq.
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CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Civil Procedure and this Court's Local Rules, I certify that on June 17, 2022, I filed this document with this Court and the State Court. In addition, I served Plaintiff's counsel via electronic mail and regular US mail as follows:

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